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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/991,754  | 11/26/2001  | Janne Aaltonen       | 367.39525X00        | 5347             |
| 22907   | 7590        | 09/18/2006           | EXAMINER            |                  |
| BANNER & WITCOFF<br>1001 G STREET N W<br>SUITE 1100<br>WASHINGTON, DC 20001 |             |                      | GESESSE, TILAHUN    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2618                |                  |

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/991,754             |  | AALTONEN ET AL.     |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Tilahun B. Gesessse    |  | 2618                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-13,15-21,23-34,39,40 and 45-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13,15-21,23-34,39,40 and 45-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/6/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of claims**

1. This is in response to applicant's amendment and argument filed July 5, 2006, in which claims 5,14,22, 35-38,41-44 have been deleted and claims 1-4, 6-13,15-21,23-34,39-40,45-50 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4, 6-13,15-21,23-34,39-40, have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,6-7,9-13,15-16,18-21,23-24,26-34,39-40,45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 6,728, 531 B1) in view of McKenna et al (US 6,681,115).

Claims 1-2,9-10,18,23 Lee teaches a controller (30) connected to first (broadcast 180B or 180C) and second wireless (cellular CDMA , GSM, TDMA) networks (internet gateway 30 of fig. 3 ) comprising:

Lee teaches a processor operable to initiate delivery of content by the first

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wireless network in response to a criterion being met by data derived from the second wireless network, (the gateway 30 is designated to provide wireless internet access to the multimedia device 20 in the vehicle 184, regular audio broadcast with extended information, see col.10 line 48-col. 11, line 37 and fig.3).

Lee teaches the criterion is met when the data derived from the second wireless network (when the vehicle 184 moves out to the geographic area used in the original configuration and so loses signal from its local stations, the user may manually request from the multimedia device 20 a recalibration of local audio stations, see col. 14, lines 46-59), in which the number of tuning multimedia stations is lower in previous location due to change of location of vehicles.

Lee does not expressly teach exceeds a predetermined threshold value. However, McKenna teaches content manager defines the geographic area or demographic population (see col. 23 lines 1-20). Both Lee and McKenna teach unidirectional and bidirectional transmitting technique, then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to monitor the population of the users at a specific location in Lee system, as evidenced by McKenna, in order to monitor the allocation of resource in cost effective manner.

Claims 3,19 Lee teaches operable to associate the criterion with particular content to be delivered over the first wireless network (broadcast the advertisement to the vehicles tuning the station (see fig.3 and col.10 line 48-col. 11, line 37)

Claims 4,12,39-40,46-48 the processor is operable to initiate delivery of content

whose associated criterion is met(the internet gateway retrieve location , number of users, according deliver the information, see col.10 line 48-col. 11, line 37)

Claims 6,15,45 the data delivered from the second wireless network comprises a number of connected user terminal to the second wireless network (see col. 14 , lines 46-59).

Claims 7,16,24 Lee teaches the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communication network (see fig.3) in which broadcasting stations are unidirectional digital broadband network and the CDMA and GSM cellular stations are bidirectional communication network.

Claim 11, Lee teaches the second wireless network includes a register of uses activity data derivable by the controller (see fig.3, servers in internet gateway are considered registers).

Claim 13, Lee teaches at least one source of content , the source being responsive to the controller to supply content to the first wireless network for delivery (see abstract) in which customer that advertises their products.

Claims 20-21, Lee teaches comparing the content with a profile of a user of a terminal such that content compatible with the profile is delivered the profile is obtained by determining a pattern of use of the second network by the user (the flow of traffic of

vehicles is monitored and accordingly (see col. 10 line 45-col.11, line 37 and fig.3).

Claims 26-28, it is an apparatus claim which corresponds to claim 1, above. It is analyzed and rejected for the same reason as set forth in the claim.

Claims 29-31, it is a system claim which corresponds to claim 9, above. It is analyzed and rejected for the same reason as set forth in the claim.

Claims 32-34, Lee teaches all the limitation as explained claim 9, above, Lee further teaches a processor and a storage device and software means (see fig.3).

Claims 49-50, it is an apparatus claim which corresponds to claim 1, above. It is analyzed and rejected for the same reason as set forth in the claim.

5. Claims 8,17,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of McKenna and further in view of Frantz.

Claims 8,17,25 Lee and McKenna do not teach a digital video broadband network. However, Frantz teaches a digital video broadband network (see col. 3, lines 24-49). All the prior art, Lee, McKenna and Frantz teach broadcasting technique, then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to broadcast a digital video in Lee and McKenna system, as evidenced by Frantz, since video broadcast attractive and highly demand by users.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

9/8/06

  
TILAHUN GESESSE  
PRIMARY EXAMINER